

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
CASE NO. 2:14-cv-00036-D

JONATHAN E. DAVENPORT,)
)
Plaintiff,)
v.)
)
PASQUOTANK COUNTY SHERIFF'S)
DEPUTY SAM KEITH, PASQUOTANK)
COUNTY SHERIFF RANDY)
CARTWRIGHT, BILLY ROUGHTON,)
NORMAN W. SHEARIN JR., FORMER)
ASSISTANT DISTRICT ATTORNEY)
(FIRST JUDICIAL DISTRICT) DAVID)
L. CREDLE, FORMER ASSISTANT)
DISTRICT ATTORNEY (FIRST)
JUDICIAL DISTRICT) NANCY B.)
LAMB, PASQUOTANK COUNTY)
ATTORNEY RICHARD MICHAEL COX,)
DISTRICT ATTORNEY OFFICE (FIRST)
JUDICIAL DISTRICT), PASQUOTANK)
COUNTY SHERIFF'S OFFICE, DBW)
VENTURES (a partnership), SPECIAL)
AGENT/UNITED STATES)
DEPARTMENT OF TREASURY)
RODNEY T. DICKERSON, ASSISTANT)
UNITED STATES ATTORNEY)
J. GASTON B. WILLIAMS, & DISTRICT)
ATTORNEY (FIRST JUDICIAL)
DISTRICT) ROBERT ANDREW)
WOMBLE,)
Defendants.)

ORDER GRANTING
THE PASQUOTANK COUNTY DEFENDANTS'
MOTION TO DISMISS


THIS CAUSE came before the Court on the Rule 12(b)(6) Motion to Dismiss filed in this matter on August 25, 2014 by Defendants Pasquotank County Sheriff Randy Cartwright, Pasquotank County Sheriff's Deputy Sam Keith, Pasquotank County Sheriff's Office, and Pasquotank County Attorney Richard Michael Cox (collectively, "Pasquotank County Defendants") on the basis that Plaintiff failed to state a claim upon which relief can be granted,

his claims are barred by the applicable statutes of limitations, Plaintiff failed to allege a waiver of sovereign and/or governmental immunity, and defendant Pasquotank County Sheriff's Office lacks capacity to be sued.

After reviewing the Plaintiff's Complaint, the Pasquotank County Defendants' Motion to Dismiss and accompanying Memorandum of Law; Plaintiff's Response to the Pasquotank County Defendants' Motion to Dismiss; and the Pasquotank County Defendants' Reply, the Court is of the opinion that the Pasquotank County Defendants' Motion to Dismiss should be GRANTED pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Pasquotank County Defendants' Motion to Dismiss is hereby GRANTED. Plaintiff's claims against Defendants Pasquotank County Sheriff Randy Cartwright, Pasquotank County Sheriff's Deputy Sam Keith, Pasquotank County Sheriff's Office, and Pasquotank County Attorney Richard Michael Cox are hereby dismissed with prejudice.

This the 28 day of October, 2014.



The Honorable James C. Dever III
Chief United States District Judge